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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 ARNELL LEE,

12 Plaintiff,

13 v.

14 F. FIGUEROA, et al.,

15 Defendants.
16

No. 2:17-cv-2619 CKD P

ORDER

17 Plaintiff, a California prisoner proceeding pro se, has filed a civil rights action pursuant to
18 42 U.S.C. § 1983. In his complaint, plaintiff asserts a violation of his civil rights which occurred
19 in Tallahatchie County, Mississippi. And, while plaintiff identifies the Secretary of the
20 California Department of Corrections and Rehabilitation as a defendant, plaintiff fails to state a
21 claim upon which relief can be granted against him.¹

22 The federal venue statute provides that a civil action “may be brought in (1) a judicial
23 district in which any defendant resides, if all defendants are residents of the State in which the
24 district is located, (2) a judicial district in which a substantial part of the events or omissions
25 giving rise to the claim occurred, or a substantial part of property that is the subject of the action
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27 ¹ Section 1983 liability arises only upon a showing of personal participation by the defendant;
28 there is no respondeat superior liability under section 1983. Taylor v. List, 880 F.2d 1040, 1045
(9th Cir. 1989).

1 is situated, or (3) if there is no district in which an action may otherwise be brought as provided in
2 this action, any judicial district in which any defendant is subject to the court's personal
3 jurisdiction with respect to such action." 28 U.S.C. § 1391(b).

4 In the interest of justice, a federal court may transfer a complaint filed in the wrong
5 district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932
6 (D.C. Cir. 1974).

7 Because this court is not a proper venue for plaintiff's claim, and it appears the Northern
8 District of Mississippi is, the action will be transferred to that court.

9 In light of the foregoing, IT IS HEREBY ORDERED that this matter is transferred to the
10 United States District Court for the Northern District of Mississippi.

11 Dated: March 9, 2018



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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